



# Town of Yorktown

*Office of the Town Clerk*

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## FINAL TOWN BOARD AGENDA

November 20, 2018

Spadaccia Meeting Room

363 Underhill Avenue, Yorktown, NY 10598

### 6:45 PM EXECUTIVE SESSION (Closed Session):

- A motion will be made to go into Executive Session to discuss the following item(s):

#### PERSONNEL

Highway Department

Refuse and Recycling Department

#### LITIGATION & NEGOTIATION:

Town Attorney

### 7:30 PM TELEVISED TOWN BOARD MEETING

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. SUPERVISOR ILAN GILBERT'S REPORT TO THE TOWN
5. REPORTS FROM THE TOWN COUNCIL
6. REPORTS FROM THE HIGHWAY SUPERINTENDENT
7. COURTESY OF THE FLOOR
8. PUBLIC HEARINGS

**Public Hearing to consider the request to lease town-owned property located at 3101 Quinlan Street for a proposed public utility wireless telecommunication facility**

Supervisor Ilan Gilbert will convene a public hearing to consider a proposed lease of town-owned property located at 3101 Quinlan Street, Yorktown Heights, NY, also known on the Yorktown Tax Rolls as Section 27.05, Block 1, Lot 16 for a proposed public utility wireless telecommunication facility. The facility is designed to replace two existing towers at the property and support the co-location of the Town emergency services facilities and

wire carriers. The proposed action consists of a 135-foot monopole with antennas, access driveway, together with related equipment within an approximate 2,560 square foot compound. This application is subject to Permissive Referendum.

9. RESOLUTIONS

**From the Albert A. Capellini Community and Cultural Center**

**Authorization for AARP's use of Room 26 for the AARP Tax Aide Program**

RESOLVED, that at the request of AARP, the Town Board hereby authorizes the use of Room 26 at the Albert A. Capellini Community and Cultural Center, on Tuesdays and Fridays from February 1, 2019 to April 12, 2019 - 21 sessions- beginning at 9:00am and concluding at 3:00pm equaling 126 hours, during which time AARP Tax Aide Program will provide free federal and state tax preparation services and e-filings for seniors and lower income residents in our communities. Furthermore the Town Board waives the standard non-profit rental fee of \$22 per hour or \$2,772 for all 21 sessions.

**From the Police Department**

**Authorize purchase of bounce imaging unit and related expenses to be reimbursed through NYS Criminal Justice Grant**

RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to spend seven thousand, five hundred dollars (\$7,500.00) towards the purchase of a bounce imaging unit and related equipment expenses. When all appropriate fiscal cost reports, receipts and forms are completed and approved this amount will be reimbursed through the Grant Award Information Sheet, Award Contract/Project No LG18-1489-D00, and NYS Division of Criminal Justice PO#T103489.

**From the Town Clerk**

**Advertise Public Hearing for 2019 Preliminary Budget**

NOTICE IS HEREBY GIVEN, that the preliminary budget of the Town of Yorktown, Westchester County, NY for the fiscal year beginning January 1<sup>st</sup>, 2019 has been completed and filed in the office of the Town Clerk of the said Town at the Town Hall, 363 Underhill Avenue in Yorktown Heights, in the said Town where it is available for inspection by any interested person during regular office hours of the Town Clerk beginning November 28, 2018, and

FURTHER NOTICE IS HEREBY GIVEN, that the Town Board of said Town of Yorktown will meet and hold a public hearing thereon at the Town Hall, 363 Underhill Avenue, in the said Town, on the 4<sup>th</sup> day of December, 2018 at 6:00 o'clock PM, or as soon thereafter as the same can be heard, and that at such hearing any person shall be heard in favor of or against the preliminary budget as compiled for or against any items therein contained, and

The 2019 Preliminary Proposed General Budget totals \$58,564,180.00 representing an increase of \$1,173,470.00 from the 2018 Adopted Budget with the following salaries of the elected officials:

Supervisor -	\$121,328.00
Councilman (4) -	\$ 19,575.00
Town Clerk -	\$ 98,731.00
Superintendent of Highways -	\$121,328.00
Town Justice (2) -	\$ 33,126.00

**From the Town Engineer**

**Authorize Supervisor to Sign Professional Services Agreement with Lynstaar for Engineering Services Related to Emergency Generator Resiliency at the Water Pollution Control Plant**

WHEREAS,

1. The emergency generator that powers the Microfiltration Building failed during the storm events that occurred March 2-5, 2018 and the Sewer Department has been utilizing a rental generator to provide the necessary back-up power.
2. The Town investigated options for repair or replacement of the damaged emergency generator, which is rated for 1500 KW and was manufactured by Cummins. Although the Town originally planned to replace the emergency generator, officials of NYCDEP directed the Town to have repairs done to the damaged unit. All costs associated with the emergency generator repair are being tracked so that it can be charged to the NYCDEP in accordance with the operations and maintenance agreement with the Town.
3. The Town Engineer and Asst. Plant Superintendent are requesting the services of an engineering consultant to prepare bid plans and specifications for a modification to the generator system that would allow Sewer personnel to utilize a second standby source of power. The engineering consultant will design an interconnection that will allow the utilization of the main plant emergency generator to function if a similar generator failure event were to occur in the future.
4. Having a second source of standby power will increase the resiliency of the treatment plant since the Town will have use of another emergency generator that is already existing at the treatment plant site.
5. In accordance with the Town of Yorktown procurement procedures, proposals were solicited from three (3) firms that had the in-house expertise and expressed interest in providing professional engineering services. The three firms that provided written proposals were Lynstaar Engineering, P.C., Arcadis of New York, and Environmental Design & Research (EDR).
6. In the professional opinion of the Town Engineer and Asst. Plant Superintendent, Lynstaar Engineering, P.C., provided the best overall proposal and the lowest cost to the Town.
7. This work would be charged to Cost Code YS.8130.490.1 Professional Services- DEP. Currently there is an available balance of \$6,000 in that line item. We are requesting a transfer from the Sewer fund balance to pay for the balance; therefore we need the Town Comptroller to make the following budget transfer: \$33,750 from Sewer Fund Balance to YS.8130.490.1 Professional Services- DEP.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Lynstaar Engineering, P.C for the scope of work as described in the preceding section for the Not-to-Exceed Amount of \$39,750. Additionally, the Town Comptroller is authorized to transfer \$33,750 from the Sewer Fund Balance to YS.8130.490.1 Professional Services- DEP.

**Authorize Supervisor to Sign Professional Services Agreement with EDR for Engineering Services Related to NYSDEC Meetings & Negotiations**

WHEREAS,

1. The Town Engineer and the Town Attorney have been working with representatives from NYSDEC to resolve a violation received in regards to the wastewater treatment plant and sewer collection system. The violation issued in December 2016 related to

sanitary sewer overflows in the vicinity of Hill & Lee Blvd and the Farmwalk Pump Station. The Town was also cited for various issues at the treatment plant in August 2018.

2. Sewer department personnel have performed numerous tasks over the past two years to improve operations and maintenance of the collection system, including video inspection, heavy cleaning, more frequent flushing and smoke testing of the pipelines where problems have occurred. We would like to work with engineers from Environmental Design & Research (EDR) to assist us in resolving the matter with NYSDEC. The staff we will be working with from EDR were formally employed with Stearns & Wheler/GHD and have institutional knowledge of the Yorktown sewer system as well as experience working with NYSDEC to resolve violation notices.
3. The scope of work will be as follows: (1) attend meetings and communicate with representatives of NYSDEC; (2) assist the Town in developing computerized work orders for documentation of various tasks cited by the NYSDEC at the wastewater treatment plant; and (3) prepare a technical memorandum summarizing the current operating conditions of the odor control system and recommending repair and/or replacement options.
4. The professional engineering services to be provided by EDR will be on an hourly rate basis in the not-to-exceed amount of \$16,500.
5. In the professional opinion of the Town Engineer, EDR provided a fair and reasonable proposal for professional services. We note the firm is uniquely qualified in that they have professionals that have already worked on Town sewer evaluations and studies and have institutional knowledge of the Town's sewer infrastructure having successfully completed many previous Town projects. They were also having strong working relationships with the officials from NYSDEC and the Westchester County Health Department.
6. The Department will use available funds for the purchase under cost code YS.8130.490 Professional Services.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Environmental Design & Research, D.P.C. for the scope of work as described in the preceding section for the Not-to-Exceed Amount of \$16,500.00.

**Authorize the following Bond Releases:**

**MJD Contracting - #BSWPPP-057-17 – Taconic Woods Road - \$500**

**WHEREAS:**

1. MJD Contracting as applicants, posted check #2479 in the amount of \$500 which was deposited to the T33 account on September 26, 2017 to serve as the Performance Bond for construction of a new single family residence at 872 Taconic Woods Road.
2. MJD Contracting has requested their money be released as the site is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released,

NOW, THEREFORE BE IT RESOLVED, that the above referenced \$500 bond be and is hereby released to MJD Contracting, P.O. Box 627, Jefferson Valley, NY 10535, Attn: Lisa Cozzi.

**Cane - #BSWPPP-067-17 – Eastern Close - \$250**

WHEREAS:

1. David & Andrea Cane as applicants, posted check #2287 in the amount of \$250 which was deposited to the T33 account on October 27, 2017 to serve as the Performance Bond for installation of an in ground pool at 334 Eastern Close.
2. David & Andrea Cane have requested their money be released as the site is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released,

NOW, THEREFORE BE IT RESOLVED, that the above referenced \$250 bond be and is hereby released to Mr. & Mrs. David Cane, 334 Eastern Close, Yorktown Heights, NY 10598.

**Richards - #BSWPPP-010-17 – Cloverhill Lane - \$250**

WHEREAS:

1. Kevin & Ingrid Richards as applicants, posted check #2880 in the amount of \$250 which was deposited to the T33 account on May 4, 2017 to serve as the Erosion Control Bond for construction of an in ground pool at 42 Cloverhill Lane.
2. Kevin & Ingrid Richards have requested their money be released as the site is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released,

NOW, THEREFORE BE IT RESOLVED, that the above referenced \$250 bond be and is hereby released to Kevin & Ingrid Richards, 42 Cloverhill Lane, Yorktown Heights, NY 10598.

10. MONTHLY REPORTS  
Receiver of Taxes – October 2018

11. ADJOURN MEETING  
A motion will be made to adjourn the Town Board meeting.

Dated: November 20, 2018

DIANA L. QUAST, RMC, CMC  
TOWN CLERK  
TOWN OF YORKTOWN

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**AGENDAS ARE SUBJECT TO CHANGE**

**Americans with Disabilities Act:** If you need special assistance to participate in a Town meeting or other services offered by this Town, please contact the Town Clerk's office, (914) 962-5722, x210. Assisted listening devices are available at all meetings.